

III. Remarks

The status of the claims is set forth in the above listing of the claims. Claims 1-24 remain pending in the present application. Applicant notes that claims 1-24 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,252,537 (“DeWinter-Scaileur”) and U.S. Patent No. 5,677,019 (“Carstairs”).¹ Applicant respectfully disagrees with these rejections and respectfully requests reconsideration and allowance of all pending claims.

IV. Arguments

Independent claim 1 as originally submitted recites a “process to preserve natural flowers, characterized by a number of steps” including selecting and cutting the flowers, assembling supporting devices and grids, placing flowers in the grids, at least three dehydrating steps, an infiltration step, and an evaporation step. The Examiner states that *DeWinter-Scaileur* teaches a process for preserving natural flowers comprising a grid for receiving flowers, a dehydration step, and an infiltration step. The Examiner acknowledges that *DeWinter-Scaileur* does not teach a dehydration step comprising alcohol. The Examiner states that *Carstairs et al.* teaches a process for preserving cut flowers using alcohol and that it would have been obvious to one having ordinary skill in the art to modify the invention of *DeWinter-Scaileur* to include alcohol taught by *Carstairs et al.*²

Applicant asserts that the Examiner failed to make out a prima facie case for a rejection under 35 U.S.C. § 103(a) because the Examiner did not find a reference for each element of independent claim 1, including selecting and cutting the flowers, at least three dehydration steps, and the evaporation step.

Applicant also asserts that independent claim 1, as originally submitted, is patently distinct from *DeWinter-Scaileur* and *Carstairs*. *DeWinter-Scaileur* only teaches one dehydration, while independent claim 1 teaches at least three consecutive dehydrations. Three consecutive dehydrations, as opposed to a one-step dehydration process, provide several

¹ See *Office Action*, Page 2.

² See *Id.*

advantages including the complete removal of the natural flower pigments in such a way that clear, pastel, and white flowers can be obtained. Using a solvent with a different purity percentage for each dehydration step, as described in the specification and claims of the present invention, also achieves optimal solvent usage, as the solvents from the later steps in the process are used in the earlier steps of the process once the solvents reach the minimum specified level for the earlier steps. After flowers have passed through three or more dehydration steps, they are in ideal condition for the infiltration step, as they have been completely decolorized and are ready to receive any color in the subsequent step of infiltration. In a one-step dehydration process, it is not possible to obtain clear or white flowers even when starting with white flowers, due to the presence of flower pollen pigments. The less pure solvents can extract the most easily removed humidity and the water soluble pigments which cannot be completely removed with almost pure solvent. The more pure solvents can extract the pigments not soluble in water. Use of methanol, ethanol, propanol, and isopropanol in the dehydration steps, as taught by dependent claims 12 and 13, with different content of water acting as a washing, allows for the complete removal of a broad scope of pigments from the flowers, which is not feasible with only anhydrous solvent as taught by *DeWinter-Scaileur*.

The Examiner states that *Carstairs et al.* teaches a process for preserving cut flowers using alcohol and that it would have been obvious to one having ordinary skill in the art to modify the invention of *DeWinter-Scaileur* to include alcohol to promote complete dehydration. *Carstairs et al.* teaches a method of preserving a plant or a plant material's natural color.³ Independent claim 1, as originally submitted, removes all natural pigments in order to dye the flowers with other colors. Use of alcohols in the dehydration steps, as taught by dependent claims 12 and 13, with different content of water acting as a washing, allows for the complete removal of a broad scope of pigments from the flowers, which is not feasible with the methods taught by *Carstairs et al.* The dehydration process taught by *Carstairs et al.* does not comprise

³ See *Carstairs et al.*, column 6, lines 12-15.

the three-step dehydration as claimed in the present invention. Again, using a solvent with a different purity percentage for each dehydration step, as described in the specification and claims of the present invention, achieves optimal solvent usage. Accordingly, Applicant asserts that pending independent claim 1 is patently distinct from the teachings of *DeWinter-Scaileur* and *Carstairs et al.*

Dependent claims 2-24 depend from independent claim 1. Since these claims further limit a patently distinct independent claim, the dependent claims are allowable on that basis as well as based on the additional patently distinct limitations that they provide, particularly including the additional limitations for claims 12-13 discussed above.

V. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. If any additional fees are required to complete this filing, or if an overpayment has occurred, the Commissioner is authorized to charge or credit such amount to Deposit Account No. 13-0480, referencing Attorney Docket No. 09163000.110000. The Examiner is cordially invited to contact the undersigned Attorney of Record if such would expedite the prosecution of this Application.

Respectfully submitted,

/Brian C. McCormack, Reg. No. 36,601/

Date: December 30, 2008

Brian C. McCormack
Registration No. 36,601
Attorney for Applicants
BAKER & MCKENZIE LLP
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201
Phone: 214-978-3007

Serial No. 10/551,635
Attorney Docket No. 09163000.110000

Fax: 214-965-5991
Brian.C.McCormack@bakernet.com